



Respiratory Care Board of California

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COMPLAINT INFORMATION

YOUR COMPLAINT CAN SAVE LIVES

Your complaint could prevent injury or death of a patient.

The Respiratory Care Board of California (Board) is committed to protecting and serving consumers by administering and enforcing the Respiratory Care Practice Act and its regulations in the interest of the safe practice of respiratory care.

The Board relies upon consumers and concerned parties to inform the Board when a respiratory care practitioner (RCP) has violated the Respiratory Care Practice Act. Such violations may include but are not limited to:

- Sexual Misconduct
- Abuse of Alcohol And/or Prescription Drugs
- Use of Illegal Narcotics/substances
- Incompetent And/or Negligent Practice of Respiratory Care
- Conviction of a Crime Substantially Related to the Practice of Respiratory Care
- Falsifying or Making Grossly Incorrect Entries in Any Patient Chart
- Changing the Prescription of a Physician
- Fiscal Dishonesty/fraud/theft
- Unlicensed Practice

Patients have the right to competent and professional medical treatment. RCPs who have committed any of the acts listed above or who have had criminal convictions, may be a great danger to you and other consumers.

Since the most serious complaints concern those violations of the Respiratory Care Practice Act while on duty, it is important that you relay your concerns to the Board to prevent these violations from occurring in the future. Your complaint can save lives.

WHO SHOULD FILE A COMPLAINT?

Any individual that has knowledge or reasonable suspicion that an RCP applicant or licensee has committed any crime, has performed below the standards of the profession, or is a potential threat to consumers.

In 1999, a law was passed that mandates suspension or termination of any RCP for specific causes. Also passed was a law that mandates RCPs to report to the Board those persons who may be in violation of statutes and regulations mandated by the Board.

If you have knowledge or reasonable suspicion that an RCP or applicant is in violation of the respiratory care practice act, you should file a complaint with the Board. As patients, professionals, administrators and supervisors – your input is invaluable.

HOW DO I FILE A COMPLAINT?

Any individual who would like to make a complaint against or report unusual activity of a RCP should submit a completed complaint form to the Board. Complaint forms are available at the Board's web site at www.rcb.ca.gov or can be mailed to you upon request by contacting the Board toll free at (866) 375-0386.

WHAT HAPPENS AFTER I HAVE FILED A COMPLAINT?

You will be issued a letter of acknowledgment within 4 days of the receipt of your complaint.

The Board office will determine the appropriate initial action to take such as:

- a Board Investigation;
- Referral to the Division of Investigation;
- Expert Review, or
- Request for Additional Facts and Information.

After the complaint has been thoroughly investigated and reviewed by the Executive Officer or designated staff, one of the following actions will be taken:

- the case will be forwarded to the Office of the Attorney General for filing of a formal accusation and/or
- the case may be forwarded to the appropriate District Attorney for criminal action;
- a Citation and Fine will be issued;
- a Warning or Cease and Desist letter will be
- employers of RCPs to report to the board the issued;
- the case is referred to another agency with proper jurisdiction; or
- the case is closed due to no or insufficient evidence to substantiate complaint.

Where formal action has been taken by the Board, the subject may face penalties anywhere from a fine, to being placed on probation or outright license revocation.

The Board attempts to notify you at each stage of the investigative and disciplinary processes. Further, you are encouraged to contact the Board office at anytime you would like the status of the case.

AM I PROTECTED IF I FILE A COMPLAINT?

Everyone has the right to file a complaint without fear of negative repercussions. Pursuant to Business and Professions Code, section 2318 and Civil Code, section 43.8 a complainant is immune to prosecution for registering a complaint.

Further, each individual has the right to file a complaint anonymously. However, the Board does prefer to have the name and a telephone number and/or an address of the complainant in order to contact him/her in the event additional information is needed during the investigation. Therefore, the Board provides complainants the option of releasing personal information solely for it's use by classifying it as confidential.

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**THE RESPIRATORY CARE BOARD THANKS YOU FOR ASSISTING
IN THE MANDATE OF CONSUMER PROTECTION.**